

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TYRONE TROTTER,

Plaintiff,

v.

Case No. 21-cv-0941-bhl

MILWAUKEE COUNTY JAIL, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Tyrone Trotter is a prisoner confined at the Milwaukee County Jail who is representing himself in this 42 U.S.C. §1983 case. On August 11, 2021, along with his complaint, Trotter filed a motion for leave to proceed without prepaying the filing fee. The Prison Litigation Reform Act applies to this case because Trotter was incarcerated when he filed his complaint. That statute allows prisoners to proceed without prepaying the full filing fee if, when they have assets or means, they first pay an initial partial filing fee. 28 U.S.C. §1915(b). On September 17, 2021, the Court ordered that it must receive an initial partial filing fee of \$10.76 within thirty days or that Trotter must advise the Court in writing why he is unable to arrange for submission of the fee. Dkt. No. 8. The deadline has passed, and the Court has not received the fee nor has Trotter informed the Court of any challenges he faces in arranging submission of the fee.

IT IS THEREFORE ORDERED that Trotter's motion for leave to proceed without prepaying the filing fee (Dkt. No. 2) is **DENIED** based on his failure to pay the initial partial filing fee, and this case is **DISMISSED without prejudice**.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. §1915(b)(1), Trotter must pay the \$350 statutory filing fee for bringing a civil action. Accordingly, the agency having custody of Trotter shall collect from his institution trust account the \$350 statutory filing fee by collecting monthly payments from his prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If Trotter is transferred to another institution, the transferring institution shall forward a copy of this Order along with Trotter's remaining balance to the receiving institution.

IT IS FURTHER ORDERED that copies of this order be sent to the officer in charge of the agency where Trotter is located and to Dennis Brand, 821 W. State Street, Room 224, Milwaukee, WI 53233.

Dated at Milwaukee, Wisconsin on October 25, 2021.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge